

K&L GATES LLP

One Newark Center – Tenth Floor
Newark, New Jersey 07102
(973) 848-4000
Attorneys for Defendant
HSBC Finance Corporation
(improperly pleaded as “HSBC”)

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

DOCUMENT ELECTRONICALLY FILED

CHRISTIAN CRUZ,	:	Civ. Action No. 1:10-cv-00135 (JBS)(AMD)
	:	
Plaintiff,	:	Hon. Jerome B. Simandle, U.S.D.J.
	:	Hon. Ann Marie Donio, U.S.M.J.
v.	:	
	:	
HSBC, JUSTIN MOWLES, John Does 1-10, ABC Partnerships and Corporations 1-10 (fictitious names),	:	NOTICE OF MOTION
	:	
Defendants.	:	
	:	

TO: Alan J. Cohen, Esq.
McAllister, Hyberg, White & Cohen
2111 New Road
Northfield, NJ 08225
Attorneys for Plaintiff

COUNSEL:

PLEASE TAKE NOTICE that on March 1, 2010 at 9:00 a.m., or as soon thereafter as counsel may be heard, defendant HSBC Finance Corporation (improperly pleaded as “HSBC”) shall move before The Honorable Jerome B. Simandle, U.S.D.J., at Mitchell H. Cohen Building & U.S. Courthouse, One John F. Gerry Plaza, Camden, NJ 08101, for an Order in the form annexed hereto

dismissing with prejudice all claims of plaintiff's Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6).

PLEASE TAKE NOTICE FURTHER that defendant HSBC Finance Corporation shall rely upon its Memorandum of Law and Certification of Vincent N. Avallone, Esq. (w/Exhibit) submitted herewith, as well as all pleadings previously filed in this action.

PLEASE TAKE NOTICE FURTHER that defendant HSBC Finance Corporation requests oral argument.

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By: s/ Vincent N. Avallone

Dated: February 1, 2010